

REMARKS

This paper is being presented in response to the Office Action dated August 16, 2004, wherein (i) claims 1-13 and 21-29 have been allowed, (ii) claims 15-18 have been held allowable in substance, and (iii) claims 14, 19 and 20 have been rejected under 35 U.S.C. §102(e) as being anticipated by Krivoshein U.S. Patent No. 5,980,078 (“Krivoshein”). Applicants are appreciative of the Examiner’s finding that claims 1-13, 15-18, and 21-29 recite allowable subject matter. Reconsideration and withdrawal of the rejections of claims 14, 19 and 20 are respectfully requested in view of the following remarks.

I. Summary of the Amendments

By the foregoing amendments, claim 14 has been amended to specify that a configuration device includes a configuration routine to establish a communication relationship with the Fieldbus device without interrupting an established communication relationship between the Fieldbus device and another device attached to the Fieldbus segment. No new matter has been added by this amendment, inasmuch as support can be found, for example, at (i) page 20, lines 14-24, (ii) page 26, lines 28-30, and (iii) page 28, lines 13-14, in the application as originally filed.

II. The 35 U.S.C. §102(e) Rejection is Traversed

Claims 14, 19 and 20 have been rejected under 35 U.S.C. §102(e) as being anticipated by Krivoshein. Applicants respectfully traverse these rejections, and the assertions and determinations therein, for at least the following reasons. Applicants respectfully request reconsideration and withdrawal of these rejections.

Independent claim 14, as amended, and, by implication, claims 19 and 20 dependent thereon, recite a configuration device for configuring a Foundation Fieldbus segment, the configuration device including, *inter alia*, a communication

routine to establish a communication relationship with the Fieldbus device without interrupting an established communication relationship between the Fieldbus device and another device attached to the Fieldbus segment. Krivoshein fails to disclose or suggest a configuration device having a communication routine that establishes a communication relationship without interrupting an established communication relationship, as recited in claim 14.

In contrast, Krivoshein describes a control system that supplies initial interconnect information to a newly connected device to facilitate inclusion of the device into the control system (see, e.g., col. 3, lines 47-55, and col. 4, lines 60-64). Such inclusion is implemented using a plug-and-play configuration service that provides IP address information (see, e.g., col. 23, lines 42-64). By providing IP address information, Krivoshein's plug-and-play service teaches how to initiate communication generally, rather than how to establish a communication relationship with a configuration device without interrupting an established communication relationship between the Fieldbus device and another device. In short, Krivoshein is concerned with the initiation of communications. But during the initiation of communications, there is no established communication relationship to avoid interrupting.

The cited portions of Krivoshein also fail to disclose or suggest a configuration device as required by claim 14. In the cited portions, Krivoshein teaches that the plug-and-play service, upon a request for identification, responds with configuration information, such as device name, device ID, IP address information, etc. (see col. 23, lines 51-59). Krivoshein thus describes a configuration approach that, like other prior art (see, e.g., the "Description of Related Art" section at page 2, lines 9-15 of the present application) involves assigning a device tag and device

address to each field device in the Fieldbus segment. Even if one assumes that a communication relationship is established via that device address assignment, the problem not addressed by the prior art, including Krivoshein, is the inability of a configuration device to establish a communication relationship with the Fieldbus device without interrupting that established relationship.

Assigning an address to each device during configuration also fails to suggest that a configuration device establish a communication relationship with a Fieldbus device without interrupting an established communication relationship, as recited in claim 14. In fact, the plug-and-play service of Krivoshein teaches away from this, suggesting instead that a new address will be assigned, thereby interrupting any established communication relationship in contrast to the recitation of claim 14. Specifically, conventional configuration devices interrupt such communication relationships because they automatically try to assign a permanent address to a device to communicate with that device (see page 21, lines 27-28 of the present application). The plug-and-play configuration service of Krivoshein does not disclose that it communicates otherwise, or suggest that it would be desirable to do so.

For at these reasons, Applicants respectfully submit that Krivoshein fails to teach or suggest a configuration device having a communication routine, as recited in claims 14, 19 and 20. Accordingly, it is respectfully submitted that Krivoshein fails to disclose or suggest every element of independent claim 14. It follows that claim 14 and, by implication, those claims 15-20 dependent thereon, are patentable over the cited reference.

For at least the reasons set forth above, Applicants respectfully request allowance of claims 14-20.

III. Conclusion

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and allowance of claims 14-20.

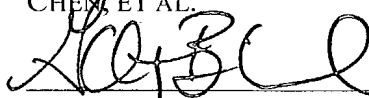
Although Applicants believe that no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 13-2855 of Marshall, Gerstein & Borun LLP. In addition, if a petition for an extension of time under 37 CFR 1.136(a) is necessary to maintain the pendency of this case and is not otherwise requested in this case, Applicants request that the Commissioner consider this paper to be a request for an appropriate extension of time and hereby authorize the Commissioner to charge the fee as set forth in 37 CFR 1.17(a) corresponding to the needed extension of time to Deposit Account No. No. 13-2855 of Marshall, Gerstein & Borun LLP. A copy of this paper is enclosed herewith.

If there are matters that can be discussed by telephone to further the prosecution of this application, Applicants respectfully request that the Examiner call their attorney at the number listed below.

Respectfully submitted,

CHEM ET AL.

By:



G. Christopher Braidwood
Registration No.: 41,631
MARSHALL, GERSTEIN & BORUN LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6402
(312) 474-6300 (phone)
(312) 474-0448 (fax)

November 12, 2004